

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 18026 of 1994

Ramadas Vaman Amballi
Siddapur
represented by G.P.A.Holder
Ajit Kumar
S/o Ramdas Amballi
R/at Siddapur, Siddapur Taluk
U.K.District

.. PETITIONER

(By Sri Jayaprakash Reddy, Advocate for Sri
Jayakumar S.Patil, Advocate)

- Vs -

1. The Assistant Commissioner
Sirsi Sub-Division
Dist: Uttara Kannada
2. The Tahsildar
Siddapura At Taluk
Dist: Uttara Kannada
3. Ganapathi Subbanna Pai
Siddapur At Taluk
Dist: Uttara Kannada
4. Thimmappa Govindappa Rangaiah
Siddapur, At Taluk
Dist: Uttara Kannada

.. RESPONDENTS

(By Sri Rajesh S.Joshi, Advocate for Suresh
S.Joshi, Advocate for R-3)

This writ petition is filed under
Articles 226 and 227 of the Constitution of
India praying to quash the order dt. 18.5.94
vide Annexure-B issued by R-1 and etc.


This petition coming on for
preliminary hearing in 'B' group this day, the
Court made the following:

ORDER

In this petition, the petitioner has called in question the correctness of the order dated 18th May 1994, a copy of which has been produced as Annexure-B passed by the 1st respondent setting aside the order made by the 2nd respondent entering the name of the petitioner in the revenue records.

2. Sri Jayaprakash Reddy, learned counsel for the petitioner submitted that the order impugned is totally illegal and suffers from errors apparent on the face of the record in as much as the dispute between the parties having been settled before the Civil Court, it was not permissible for the 1st respondent to have passed the impugned order setting aside the order passed by the 2nd respondent entering the name of the petitioner in the revenue records.

3. Sri Rajesh Joshi, learned counsel for the 3rd respondent submitted that since the order impugned is only an order of remand there is absolutely no justification for this Court to interfere against the impugned order.



He pointed out that the 1st respondent in the course of the order has raised several questions which were required to be considered while entering the name of the parties in the revenue records and since the said questions have not been properly considered by the 3rd respondent, he has remitted the matter for fresh consideration to the 2nd respondent and as such the impugned order has not resulted in any injustice or prejudice to the petitioner.

4. I find considerable force in the submission made by the learned counsel for the 3rd respondent. As observed by me earlier, the order impugned is only an order of remand. The 1st respondent after considering the several questions that would arise for consideration in the matter has felt that the matter requires to be reconsidered by the 2nd respondent, [✓] it is open to the parties to place such materials as may be available to them in support of their claim before the 2nd respondent. In this background, I do not find any justification to interfere against the said order in exercise of my extraordinary jurisdiction either under Article 226 or 227 of the Constitution of India. It is necessary

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to point out that even if the parties are aggrieved by the ultimate order that may be passed entering the name of the parties in the revenue records, the parties have a remedy before the civil court to establish their claim in respect of the land in question. Therefore, looked at from any point of view, I am of the view that this is not a fit case to interfere against the order impugned. However, since the dispute has been pending consideration for a considerable length of time, it would be in the interest of justice to direct the 2nd respondent to dispose of the matter as expeditiously as possible and at any event of the matter not later than two months from the date of receipt of a copy of this order after hearing the parties who are interested in the lands in question. In terms stated above, this petition is disposed of.

5. Sri N.P.Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.



Sd/-
JUDGE